

Revised 03/06 WDNV

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**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

**FORM TO BE USED IN FILING A COMPLAINT
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983, 1985 + 1986!**
(Prisoner Complaint Form)
RECO-ACT, LAW-SUIT AND CHARGES

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

1. CAPTION OF ACTION

A. Full Name And Prisoner Number of Plaintiff: NOTE: If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization of the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.

1. MR. DERRICK FONTAINE

2. _____

-VS-

B. Full Name(s) of Defendant(s) NOTE: Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.

1. W.D.N.Y. Judge RICHARD J. ARCARA

4. W.D.N.Y. PRO-SE, ATTY. CHARLES S. CARA

2. W.D.N.Y. Judge MICHAEL A. TELESMA

5. _____

3. W.D.N.Y. COURT-CLERK RODNEY C. BARLEY

6. _____

2. STATEMENT OF JURISDICTION

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

3. PARTIES TO THIS ACTION

PLAINTIFF'S INFORMATION NOTE: To list additional plaintiffs, use this format on another sheet of paper.

Name and Prisoner Number of Plaintiff: MR. DERRICK FONTAINE, 99A1770

Present Place of Confinement & Address: SOUTHPORT, C. F.

236 INSTITUTION ROAD, FINE CITY, NY, 14871

Name and Prisoner Number of Plaintiff: _____

Present Place of Confinement & Address: _____

(1)

DEFENDANT'S INFORMATION NOTE: To provide information about more defendants than there is room for here, use this format on another sheet of paper.

Name of Defendant: (1) JUDGE RICHARD J. AREARA (2) COURT CLERK, RODNEY C. EARLEY

(If applicable) Official Position of Defendant: DEF. 1, FEDERAL JUDGE DEF. 3, FEDERAL COURT CLERK

(If applicable) Defendant is Sued in ☒ Individual and/or ☒ Official Capacity

Address of Defendant: 68 COURT STREET (BUSINESS ADDRESS)
BUFFALO, N.Y. 14202

Name of Defendant: DEF. (4) W.D.N.Y. PRO-SE, ATTY. CHARLES E. CARA

(If applicable) Official Position of Defendant: ATTORNEY FOR FEDERAL COURT, PRO-SE STAFF

(If applicable) Defendant is Sued in ☒ Individual and/or ☒ Official Capacity

Address of Defendant: 68 COURT STREET (BUSINESS ADDRESS)
BUFFALO, N.Y. 14202

Name of Defendant: (2) W.D.N.Y. JUDGE MICHAEL A. TELESKA

(If applicable) Official Position of Defendant: DEF. 2 FEDERAL JUDGE, CORRUPT + RACIST

(If applicable) Defendant is Sued in ☒ Individual and/or ☒ Official Capacity

Address of Defendant: 100 STATE STREET
ROCHESTER, N.Y. 14614

4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT

A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?
Yes ☐ No ☒

If Yes, complete the next section. NOTE: If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): _____

Defendant(s): _____

2. Court (if federal court, name the district; if state court, name the county): _____

3. Docket or Index Number: _____

4. Name of Judge to whom case was assigned: _____

(2)

5. The approximate date the action was filed: _____

6. What was the disposition of the case?

Is it still pending? Yes _____ No _____

If not, give the approximate date it was resolved. _____

Disposition (check the statements which apply):

_____ Dismissed (check the box which indicates why it was dismissed):

_____ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

_____ By court for failure to exhaust administrative remedies;

_____ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

_____ By court due to your voluntary withdrawal of claim;

_____ Judgment upon motion or after trial entered for

_____ plaintiff

_____ defendant.

B. Have you begun any other lawsuits in federal court which relate to your imprisonment?

Yes ☒ No _____

If Yes, complete the next section. NOTE: If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): MR. DERRICK FONTAINE

Defendant(s): N.Y.S. D.O.C.S., COMMISH. GLENN S. GODDARD, ET AL.

2. District Court: (A) N.D.N.Y., U.S. DIST. CT. (B) E.D.N.Y., U.S. CT. (C) W.D.N.Y., U.S. CT.

3. Docket Number: (A-N/A) (B-N/A) (C) (1) 2007-Cv. 0707-A (3) 2007-Cv. 0669-A

4. Name of District or Magistrate Judge to whom case was assigned: (A-N/A) (B-N/A) (C-N/A)

5. The approximate date the action was filed: W.D.N.Y., CASES ALL 2007-FILING

6. What was the disposition of the case?

Is it still pending? Yes ☒ No _____

If not, give the approximate date it was resolved. _____

Disposition (check the statements which apply):

Dismissed (check the box which indicates why it was dismissed):

- ☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- ☐ By court for failure to exhaust administrative remedies;
- ☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- ☐ By court due to your voluntary withdrawal of claim;

Judgment upon motion or after trial entered for

☐ plaintiff

☒ defendant

NOTE: ALL PRIOR CASES PURSUED PURSUANT TO:
FOR CASE FIXING AND FRAUD, SAME AS THIS CASE,
F.R.C.P. 60(b)(1)(3)(6); U.S. VS. BRENNAN, 629 F.SUPP.283 (E.D.N.Y. 1986)

5. STATEMENT OF CLAIM

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include all possible claims.)

- | | | |
|--------------------|------------------------|-------------------------------|
| • Religion | • Access to the Courts | • Search & Seizure |
| • Free Speech | • False Arrest | • Malicious Prosecution |
| • Due Process | • Excessive Force | • Denial of Medical Treatment |
| • Equal Protection | • Failure to Protect | • Right to Counsel |

Please note that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

Fed.R.Civ.P. 8(a) states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." *Simmons v. Abruzzo*, 49 F.3d 83, 86 (2d Cir. 1995).

Fed.R.Civ.P. 10(b) states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

Exhaustion of Administrative Remedies

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

(4)

A. FIRST CLAIM: On (date of the incident) FROM; SEPT. 2007, TILL PRESENT, STILL ON-GOING
 defendant (give the **name and position held** of each defendant involved in this incident) (DEF. 1, RICHARD J. ARCARA)
DEF. 3 + DEF. 4 CT. CLK. RODNEY EARLEY AND ATTY. CHARLES CARA, ACTING IN
CONCERT WITH EACH OTHER, ENGAGED AND CONTINUE TO ENGAGE IN, RICO-ACT-
 did the following to me (briefly state what each defendant named above did): CRIMES AND IMMENSE U.S. CONST.-
VIOLATIONS, WITH EXTREME MALICIOUS-INTENT AGAINST PLAINTIFF! (A) CASE-FIX-
ING (B) DENIAL OF NON-BIAS, PREJUDICE AND MEANING ACCESS TO THE COURTS
(C) DENIAL OF ATTY. ILLEGALLY (D) MAIL-FRAUD, FRAUD, ACTION-FRAUD, WIRE-FRAUD
(E) AIDING AND ABETTING MURDER-LOT BY "N.Y.S. DIV. OF PAROLE PERSONNEL" AND
"N.Y.S. D.O.C.S. STAFF" AGAINST "PLAINTIFF" (F) ACCEPTING BRIDES FROM,
N.Y.S. DIV. OF PAROLE + N.Y.S. D.O.C.S. TO SABOTAGE ALL CASES FILED IN, W.D., N.Y. DIST.
CT., BY "PLAINTIFF" / ALL CRIMES AND U.S. CONST. VIOLATIONS DONE BY DEF.'S
ACTING UNDER THE COLOR OF LAW AND OFFICERS, SEE ATTACHED DOCUMENTS FOR PROSECUTION
 The constitutional basis for this claim under 42 U.S.C. § 1983 (1985), (1986), TITLE 18, U.S.C.A., SEC. 241, 242-
371, 1001, 1111, 1341, 1342, 1343, 1505, 1961-64, U.S. CONST. 1ST 5th, 6th, 8th, 9th, 14th AMENDS., ATKINS-
LANING D.C., OKL. 418 F.SUPP. 186, 188!
 The relief I am seeking for this claim is (briefly state the relief sought): (A) "COURT-ORDER" FORTH WITH PLAINTIFF
RECEIVE (\$9,950.00) FROM U.S. GOV'T. COURT-FUNDS AS "CRIME-VICTIM" (B) ALL DEF.'S
ARE ARRESTED BY, F.B.I. (C) Judge ARCARA, FINED 25-MILLION-DOLLARS (D) DEF. 3+4, PAY PLAINTIFF EACH
25-MILLION DOLLARS

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? ☒ Yes ☐ No If yes, what was the result? NO POSITIVE RESULTS, FILE-
GRIVANCE AND COMPLAINT WITH (A) U.S. COURT ADMIN. OFF, WASH, D.C. (B) CHIEF JUDGE
HON. DENNIS JACOBS

Did you appeal that decision? ☒ Yes ☐ No If yes, what was the result? NO RESULTS AT ALL!
PLAINTIFF APPEAL TO U.S. PRES. GEORGE W. BUSH (B) F.B.I. REG. DIR. MARK AMERSON

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: "PLAINTIFF" FULLY EXHAUSTED REMEDIES
SEE) WOODFORD VS NGO, 126 S. CT. 2378 (2006) AT PG. 2378, PARA. 3; BENNETT VS. KROM, 446,
F.3d 305 (C.A. 2 (N.Y.) 2006); LARKIN VS. SAUSAGE, 318 F.3d 138, 139 (2nd Cir. 2003)!

A. SECOND CLAIM: On (date of the incident) ON; OCT. 18, 2007, (DEF. 4-CHARLES S. CARA)
 defendant (give the **name and position held** of each defendant involved in this incident) ENGAGED IN; FRAUD, MAIL-
FRAUD, ACTIONABLE-FRAUD, AIDING (DEF. 1+3) WITH (A) CASE-FIXING (B)
ILLEGALLY VIOLATING CODE ETHICS AND PROFESSIONAL RESPONSIBILITY TO AID
"MURDER-LOT" AND SABOTAGE "PLAINTIFF" PRIOR-CASES FILINGS / BASED
UPON RELIABLE INFORMATION AND BELIEF THIS (DEF.) ACCEPTS BRIDES BY, N.Y.S. DIV.
OF PAROLE AND "N.Y.S. D.O.C.S. STAFF" TO DO SO! SEE) TITLE 18, U.S.C.A. 371, 1341, 1342-
1343, 1001, 1111, 1505, 1961-1964, U.S. CONST. 1ST 5th, 6th, 8th, 9th, 14th AMENDS.
ALL VIOLATED WITH EXTREME MALICE AND CORRUPTION! MIS HANDLING EXHIBITS ILLEGALLY!

did the following to me (briefly state what each defendant named above did): (DEF-2) JUDGE MICHAEL A. TRUBIA

ACTING ALONE AND IN-CONCERT, WITH OTHER DEFENDANTS! ON NOV. 19, 2007

(DEF-2) ARBITRARY, CAPRICIOUSLY, WITH EXTREME, TYRANNICAL-MALICE!

DID WITH BIAS AND PREJUDICE FRAUDULENTLY BACK-DATED ILLEGAL RULING UPON A CASE, HE IS NOT THE "ASSIGNED" JUDGE AT ALL, SOLELY TO

CAUSE ILLEGAL-CHAOS, FIX-CASE AND SABOTAGE ALL "PLAINTIFF"

CASES! RE: "2007-CIV.-0634-A" FOR WHICH HE ACCEPTED BRIBES, TO DO SO!

HIS CRIMES AGAINST PLAINTIFF! (DEF-2) IS A PAID RACIST-HIT-MAN! ALSO A

IN-SANE-LIER!

The constitutional basis for this claim under 42 U.S.C. § 1983, 1985, 1986, U.S. TITLE 18, U.S.C.A. 371, 1001, 1111, 1341, 1342, 1343, 1505, 1961-64; U.S. CONST. 1st, 5th, 6th, 8th, 9th, 13th, 14th, 1

AMENDS! ALL VIOLATED! THIS ORGANIZE-CRIME! The relief I am seeking for this claim is (briefly state the relief sought): (A) DEF-2, ARRESTED BY "F.B.I." FORTHWITH!

(B) FINED (25) MILLION DOLLARS (C) ORDER TO UNDER GO: (1) MENTAL-HEALTH TESTING

(2) DRUG-ALCOHOL TESTING (D) ALL PROPERTY AND ASSETS DISCLOSED AND FROZEN!

(E) ALL "COURT-ORDERS" BY THIS RACIST & BENEVOLENT CRIMINAL, REVERSED!

Exhaustion of Your Administrative Remedies for this Claim:

Did you grieve or appeal this claim? ☒ Yes ☐ No If yes, what was the result? RESULTS NEGATIVE! APPEAL-

ED TO: (A) U.S. COURT ADMIN. OFFICE, WASH, D.C. (B) CHIEF JUDGE HON. DENNIS JACOBS

Did you appeal that decision? ☒ Yes ☐ No If yes, what was the result? NO POSITIVE RESULTS!

APPEAL TO: PRES. GEORGE W. BUSH!

Attach copies of any documents that indicate that you have exhausted this claim.

If you did not exhaust your administrative remedies, state why you did not do so: ALL DOCUMENTS WILL BE

PRESENTED AT PROPER TIME! SEE: F.R.C.P. 8(a), MARVIN VS. GOORD, 255 F.3d 40, 42 -

(2ND CIR. 2001); LARKIN VS. SAVAGE, 318 F.3d 138, 139 (2ND CIR. 2003)

If you have additional claims, use the above format and set them out on additional sheets of paper.

6. RELIEF SOUGHT

Summarize the relief requested by you in each statement of claim above.

(A) ALL FUNDS BEING SHED FOR BE PLACED IN A ESCROW BANK ACCT.!

(B) "PLAINTIFF" AND ALL HIS "PROPERTY" BE TRANSFERRED TO: "LINCOLN, C.F." FORTHWITH!

(C) ALL DEFENDANTS BE "ARRESTED" AND "PROSECUTED" BY "F.B.I."! FORTHWITH!

(D) COURT-ASSIGN COUNSEL TO REPRESENT PLAINTIFF FORTHWITH!

(E) Do you want a jury trial? Yes ☒ No Pursuant to: F.R.C.P. 38(a) + (b), F.R.C.P. 39(a)!

(F) BEING "SOUTH PORT, C.F." "STAFF" STOLEN OVER (\$6,000.00) DOLLARS

FROM "PLAINTIFF" "COURT-ORDER", "COURT-ORDER" COURT-CLERK

OFFICE TO: (A) PROVIDE ALL NEEDED COPIES (B) SERVE ALL NEEDED

PARTIES ON BEHALF OF PLAINTIFF (C) PROVIDE ALL SUPPLIES, FORM'S,

DOCUMENT, ETC, ETC. NEEDED BY "PLAINTIFF"!

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Dec. 1, 2007
(date)

NOTE: Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.

Derrick Fontaine, Pro Se
Private Atty. Gen.

Pursuant to, Title 28, U.S.C.A. Sec. 1746

Signature(s) of Plaintiff(s)

c.c.) File; New York Law Journal,
U.S. Court Admin. Office, Wash. D.C.;
National Law Journal, F.B.I., Wash. D.C.

(7)

Revised 05/01 WDNV

AUTHORIZATION

PRISONER'S CIVIL ACTION FILING FEE WESTERN DISTRICT OF NEW YORK

I, (print name) MR. DERRICK FONTAINE, request and authorize the agency holding me in custody, to send to the Clerk of the United States District Court, Western District of New York, a certified copy of the statement for the past six months of my trust fund account (or institutional equivalent) at the institution where I am incarcerated.

I further request and authorize the agency holding me in custody to calculate and disburse funds from my trust account (or institutional equivalent) in the amounts specified by 28 U.S.C. § 1915 (b), to deduct those amounts from my prison trust account (or institutional equivalent), and to disburse those amounts from my account to the United States District Court for the Western District of New York.

This Authorization shall apply to any other agency into whose custody I may be transferred, and to any other district court to which my case may be transferred and by which my poor person application may be decided.

This Authorization is furnished in connection with the commencement of a federal court civil action, and I understand that I must pay the total amount of the filing fee, which is \$350.00.

I understand that by signing this authorization, the entire filing fee of \$350.00 will be paid to the court in installments by automatic deductions from my prison trust fund account even if my case is dismissed before the entire amount of the fee has been deducted from my account.

Dated: Dec. 1, 2007

Derrick Fontaine
Signature of prisoner

MR. DERRICK FONTAINE
Printed name of prisoner

99A1770
Inmate number of prisoner